

**From:** Richard Sowden [Redacted S.40]

**Sent:** 14 May 2021 10:00

**To:** Williams, Arwel (ESNR - ERA - Land, Nature & Forestry) [Redacted S.40]

**Cc:** Kirk Hill [Redacted S.40]; Kenny Dhillon [Redacted S.40]; Martin Worsley [Redacted S.40]; Ruth Metcalfe [Redacted S.40]

**Subject:** FW: WG Blackberry Lane

Hi Arwel

Document attached from Kenny Dhillon, head of the ADAS Planning Team.

Many thanks

Richard

**Richard Sowden**  
[Redacted S.40]

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**From:** Kenny Dhillon [Redacted S.40]

**Sent:** 13 May 2021 23:46

**To:** Kirk Hill [Redacted S.40]

**Cc:** Richard Sowden [Redacted S.40]

**Subject:** RE: WG Blackberry Lane

Good evening both,

Please see attached. I hope this is acceptable.

Thanks for this,

Kenny

**From:** Kenny Dhillon

**Sent:** 12 May 2021 19:13

**To:** Kirk Hill [Redacted S.40]

**Cc:** Richard Sowden [Redacted S.40]

**Subject:** RE: WG Blackberry Lane

Good afternoon Kirk,

You will have my teams appraisal with you tomorrow, I am still working on this – but I am not charging you for the additional time. I will be going into my office tomorrow to print off some A3 colour plans – as I have significant concern which I need to refer to in my professional comments and I would like to print some plans off and examine some details before send you both my report.

I hope this is acceptable and I thank you both for this,

Best and kind regards,

Kenny

**From:** Kirk Hill

**Sent:** 11 May 2021 22:21

**To:** Kenny Dhillon [Redacted S.40]

**Cc:** Richard Sowden [Redacted S.40]

**Subject:** WG Blackberry Lane

Hi Kenny,

How are you getting on with the Solar Farm application review? We have a call tomorrow morning with WG to review progress and deadline of this week to produce the final reports.

Regards

**Kirk Hill**

[Redacted S.40]

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## Planning Appraisal

Solar PV Development at Lower Nash Farm, Blackberry Lane,  
Pembroke Dock, Pembrokeshire, SA72 4SJ

Kenny Dhillon, BSc (Hons) Pg Cert TP MRTPI

## **Introduction and Appraisal of Planning Statement:-**

I have appraised the Planning Statement – Dated December 2020 – Document Reference BL006 and I have specifically focused on Section 2 – Planning Policy Context to examine their (the applicants) planning policy analysis of the proposal against National Planning Policy and Local Planning Policy.

At the national level, Planning Policy Wales Edition 11 (PPW) (February 2021), Practice Guidance and a number of supplementary Technical Advice Notes (TANs) are relevant considerations. The Future Wales: The National Plan 2040 constitutes the Country's First 'National Development Framework' (NDF) and was adopted in February 2021.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. On this basis, The Pembrokeshire County Council Local Development Plan - Adopted 2013 ("Local Plan") and the related Supplementary Planning Guidance (SPG) constitute the statutory development plan against which the proposals must accord. Despite the application being made as a DNS, this legislation establishes the primacy of the development plan in the determination of the planning application.

### **Planning Policy Wales**

Planning Policy Wales Edition 11 (PPW) sets out the national tier of land use planning policies for Wales and is supplemented by a series of Technical Advice Notes (TANs).

Paragraph 3.58 of PPW confirms that ALC grades of 1, 2 and 3a is the best and most versatile agricultural land and therefore should be conserved as a finite resource for the future.

Paragraph 3.59 of PPW states the following:-

*"When considering the search sequence and in development plan policies and development management decisions **considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.** If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade."*

Paragraph 21 of the applicant's planning statement confirms that the site area is 34.25 ha, and the Welsh Government confirm that the ALC report which was prepared by Reading Agricultural Consultants (RAC) (Ref: 8665, 'Land West of Blackberry Lane, Coshaston, Pembrokeshire', dated February 2020) and is included in the Environmental Statement Volume 2 Appendices A5.1 found the survey area to be **23.50ha ALC grade 2, 7.00ha subgrade 3a**, and 6.50ha subgrade 3b.

The applicant's planning statement does not provide any meaningful or significant analysis of the fact that 89% of the land area to be developed by the proposal is designated as the Best and Most Versatile Land. It is a significant concern why this fact and this matter of principle has not been addressed by the applicant in their planning statement – there is no proper consideration of the implication of this

with regards to the proposed development being proposed on the Best and Most Versatile agricultural land.

It should also be noted that the planning statement has no meaningful analysis of how this site was selected and no mention that 89% of the site area is BMV and what other locations were looked at which did not involve the loss of BMV land, this is considered important, as the applicant's planning statement should have identified the large percentage of the site covering BMCV lane (89%) and provided a referenced planning policy case for the development –i.e. what are the over-riding material planning considerations which should over-ride paragraphs 3.58 and 3.59 of PPW 11 and advice given in TAN 6 (Chapter 6 and Annex b).

The applicant in their planning statement fails to assess or provide comment if other lower quality ALC land had any environmental value, or any landscape or historical value or wildlife or archaeological designation which outweighs the agricultural considerations – this should have been done if the applicant was minded to pursue this application.

This complete lack of objective policy analysis and assessment of the proposal's acceptability with the above mentioned planning policy is a significant concern. The submitted ES and its' appendices do not give any sufficient overview of the proposals clear contradiction to paragraphs 3.58 and 3.59 of PPW 11 – furthermore, it is not the sole objective of an ES to assess the proposal's compliance with planning policy – the main objective of an ES is to assess the environmental impacts of a proposal. Any meaningful assessment of the proposals contradiction to paragraphs 3.58 and 3.59 of PPW should have been completed in the applicant's planning statement.

**Professional Comment – without Prejudice.**

I lead the RSK ADAS Planning Team, I have over 20 years of planning experience and I am MRTPI, I advise several large scale Solar PV and renewable energy clients. If I was to recommend a client to pursue a site which has a large percentage of land being classed as BMV land, I would not be advising my client correctly as this advice would be incorrect and could be considered to be in contempt of my professional accreditation and professional experience. I would not provide support to a project which will utilise a high percentage of BMV land when such a development type would be contrary to national and local planning policy such as in this case.